ACT No. I OF 1940.

The Mysore District Boards (Amendment) Act, 1940.

(Received the assent of His Highness the Maharaja, on the 29th day of January 1940).

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926, for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Mysore District Boards (amendment) Act, 1940.

Amendment of section 9, Act III of 1926.

2. In section 9 of the Mysore District Boards Act, 1926 (hereinafter referred to as the said Act)—

(i) in sub-clause (*b*) for the words "six months" the words "one year" shall be substituted, and

(ii) in the *Explanation* to sub-clause (*b*) for the words "five years" the words "ten years" shall be substituted.

Amendment of section 10, Act III of 1926.

3. In sub-clause (*h*) of sub-section (*1*) (*A*) of section 10 of the said Act for the word "twenty-one" the word "twenty-five" shall be substituted.

Amendment of section 11, Act III of 1926.

4. To section 11 of the said Act, the following additional proviso shall be added, namely:

"Provided further that a person who is qualified as a voter under sub-clause (*v*) of clause (i) of Schedule I shall not be qualified to be a candidate unless he is a graduate of a University."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5331—Legis. 39-39-1, dated Bangalore, 6th February 1940.

Ordered that the accompanying Coffee Husk Control Act, which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. II of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. II OF 1940.

The Mysore Coffee Husk Control Act, 1940.

(Received the assent of His Highness the Maharaja, on the 30th day of January 1940.)

Whereas it is expedient to prohibit or restrict the import and export of coffee husk to and from Mysore and to provide for the control of the transport and sale of coffee husk within Mysore; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Mysore Coffee Husk Control Act, 1940.

(*2*) It extends to the whole of Mysore.

(*3*) It shall come into force from such date as the Government may, by notification in the official Gazette, appoint in this behalf.

Prohibition of import or export of coffee husk.

2. No coffee husk shall be imported into or exported from Mysore except with the permission of the Government.

Prohibition of transport of coffee husk.

3. The Government may from time to time, by notification, prohibit the transport of coffee husk from one local area to any other local area.

Prohibition of sale, etc., of coffee husk.

4. No coffee husk shall be sold or otherwise disposed of, except with the permission of the Government and subject to such conditions as it thinks fit to impose.

Penalty for contravention.

5. (*1*) Whoever, in contravention of this Act or of any rules or order made under this Act or of any licence

or permit obtained under this Act, imports, exports, transports or sells or otherwise disposes of any coffee husk shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees.

(2) Notwithstanding anything contained in the second schedule of the Code of Criminal Procedure, 1904, an offence under this Act shall be a cognisable offence as defined under the Code.

Power to make rules.

6. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

MIRZA M. ISMAIL,
Dewan.

Order No. 5332—*Legis.* 40-39-1, *dated Bangalore, the 6th February* 1940.

Ordered that the accompanying Act further to amend the Mysore Legal Practitioners Act, 1884, which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. III of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. III OF 1940.

The Mysore Legal Practitioners (Amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja, on the* 30*th day of January* 1940.)

WHEREAS it is expedient further to amend the Mysore Legal Practitioners Act, 1884, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

(1) This Act may be called the Mysore Legal Practitioners (amendment) Act, 1940.

Amendment of section 3 of Act III of 1884.

(2) For the definition of "tout" in section 3 of the Mysore Legal Practitioners Act, 1881 (hereinafter referred to as the said Act), the following definition shall be substituted, namely :—

"Tout" means a person—

(*a*) who procures in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or

(*b*) who for the purposes of such procurement frequents the precincts of Civil or Criminal Courts or revenue offices or railway stations, landing stages, lodging places or other places of public resort.

Amendment of section 26 of Act III of 1884.

(3) In section 26 of the said Act,

(*a*) in sub-section (1)

after the word "satisfaction" the words "or to the satisfaction of any subordinate court as provided in sub-section (2-A)" shall be inserted;

(*b*) to sub-section (1) the following explanation shall be added, namely :—

Explanation.—"The passing of a resolution declaring any person to be or not to be a tout by a majority not less than two-thirds of the members present at a meeting, specially convened for the purpose, of an association of persons entitled to practice as legal practitioners in any court shall be evidence of the general repute of such person for the purposes of this sub-section";

(*c*) after sub-section (2) the following sub-section shall be inserted, namely :—

"(2-A) Any authority empowered under sub-section (1) to frame and publish a list of touts may send to any court subordinate to such authority the names of any persons alleged or suspected to be touts, and order that court to hold an inquiry in regard to such persons; and the subordinate court shall thereupon hold an inquiry into the conduct of such persons and after giving each such person an opportunity of showing cause as provided in sub-section (2), shall report to the authority which has

ordered the inquiry) the name of each such person who has been proved to the satisfaction of the subordinate court to be a tout, and that authority may include the name of any such person in the list of touts framed and published by that authority: Provided that such authority shall hear any such person who, before his name has been so included, appears before it and desires to be heard";

(*d*) after sub-section (5) the following sub-section shall be inserted, namely:—

(6) Any person who acts as a tout whilst his name is included in any such list shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5333—Legis. 41-39-1, dated Bangalore, the 6th February 1940.

Ordered that the accompanying Act further to amend the Code of Civil Procedure, 1911, which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act No. IV of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. IV OF 1940.

The Code of Civil Procedure (Amendment) Act, 1940.

(*Received the assent of His Highness the Maharaja, on the 30th day of January* 1940.)

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1911, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Code of Civil Procedure (amendment) Act, 1940. Short title.

Amendment of section 60, Act III of 1911.

2. In the proviso to sub-section (1) of section 60 of the Code of Civil Procedure, 1911—

(*a*) In clause (*h*) delete the words 'and salary, to the extent .... of such salary' and insert the following as clause (*ha*) :—

"wages and salary of all employees other than labourers and domestic servants, to the extent of the first fifty rupees and one-half the remainder of such salary ;"

(*b*) in the proviso under clause (i), for the words 'such salary liable to attachment' substitute the words 'wages and salary liable to attachment under clauses (*ha*) and (i);

(*c*) in *Explanation* 1, add item (*ha*) after item (*h*) and omit the words 'and in the case of salary other than.....it is actually payable ;'

(*d*) for *Explanation* (2) substitute the following :—

"in clauses (*ha*) and (i) 'wages and salary' mean the total emoluments calculated on a monthly basis, excluding (i) deductions declared by Government by notification in the official Gazette to be exempt from attachment, and (ii) any allowance declared exempt from attachment under the provisions of clause (*k*), derived by a person from his employment whether on duty or on leave."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 5334—*Legis.* 42-39-1, *dated Bangalore the 6th February* 1940.

Ordered that the accompanying Act to provide for the Registration of Foreigners in Mysore which received the assent of His Highness the Maharaja, on the 30th day of January 1940, be published as Act V of 1940, in the *Mysore Gazette* for general information.

C. SUBRAHMANYA AIYAR,
Secretary to Government,
Law Department.

ACT No. V OF 1940.

The Registration of Foreigners Act, 1940.

An Act to provide for the Registration of Foreigners in Mysore.

(*Received the assent of His Highness the Maharaja, on the 30th day of January* 1940).

WHEREAS it is necessary to provide for the registration of foreigners entering, being present in, and departing from, Mysore ;

It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Registration of Foreigners Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act—

(*a*) the word "foreigner" shall denote a person who is not—

(i) a subject of His Highness the Maharaja ; or

(ii) a British subject domiciled in the United Kingdom ; or

(iii) a British Indian subject ; or

(iv) a ruler or subject of an Indian State ; or

(v) a person duly appointed by a foreign government to exercise diplomatic functions ; or

(vi) a consul or a vice-consul ;

(*b*) "prescribed" means prescribed by rules made under this Act.

Power to make rules.

3. The Government may, by notification in the official Gazette, make rules with respect to foreigners for any or all of the following purposes, that is to say—

(*a*) for requiring any foreigner entering, or being present in, Mysore to report his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed ;

(*b*) for requiring any foreigner moving from one place to another place in Mysore to report, on

arrival at such other place, his presence to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*c*) for requiring any foreigner who is about to leave Mysore to report the date of his intended departure and such other particulars as may be prescribed to such authority and within such period before departure as may be prescribed;

(*d*) for requiring any foreigner entering, being present in, or departing from, Mysore to produce, on demand by a prescribed authority, such proof of his identity as may be prescribed;

(*e*) for requiring any person having the management of any hotel, boarding-house, sarai or any other premises of like nature to report the name of any foreigner residing therein for whatever duration, to a prescribed authority within such time and in such manner and with such particulars as may be prescribed;

(*f*) for requiring any person having the management or control of any vessel or aircraft to furnish to a prescribed authority such information as may be prescribed regarding any foreigner entering, or intending to depart from, Mysore in such vessel or aircraft, and to furnish to such authority such assistance as may be necessary or prescribed for giving effect to this Act;

(*g*) for providing for such other incidental or supplementary matters as may appear to the Government necessary or expedient for giving effect to this Act.

Burden of proof.

4. If any question arises with reference to this Act or any rule made thereunder, whether any person is or is not a foreigner, or is or is not a foreigner of a particular class or description, the onus of proving that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall, notwithstanding anything contained in the Indian Evidence Act, 1872, as in force in Mysore, lie upon such person.

Penalties.

5. Any person who contravenes, or attempts to contravene, or fails to comply with, any provision of any

rule made under this Act shall be punished, if a foreigner, with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both, or if not a foreigner, with fine which may extend to five hundred rupees.

Power to exempt from application of Act.

6. The Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner.

Protection to persons acting under this Act.

7. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Application of other laws not barred.

8. The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Saving

9. Any rules made, anything done and any action taken in exercise of any power conferred by or under the Registration of Foreigners (Emergency) Act, 1939 (Act No. IX of 1939), shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act as if this Act had commenced on the 30th day of June 1939.

MIRZA M. ISMAIL,
Dewan.

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